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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/628,159

07/28/2003

Stephen John Fedigan

TI-34824

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EXAMINER

FAULK, DEVONA E

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

12/08/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@ti.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/628,159	Applicant(s) FEDIGAN, STEPHEN JOHN	
	Examiner DEVONA E. FAULK	Art Unit 2614	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Devona E. Faulk/
 Examiner, Art Unit 2614

Continuation of 3. NOTE: The applicant has added new claims that require further search and/or consideration.

Continuation of 11. does NOT place the application in condition for allowance because: Regarding the claim objection to claim 1, the applicant asserts that the application states at page 6, lines 20 to 26 clearly states that the electromagnetic coil structure is affixed to the rear of the cone and that the wedge is optional. The examiner asserts that the claim objection was with really with claim 1. Claim 4 accurately recites what was disclosed. This is clear if the applicant looks at the rejection of claim 4. The examiner used a different interpretation of the limitation of claim 1 because the examiner felt the noted limitation was not disclosed. Regarding , the cited portion of the specification, the examiner asserts that just because the wedge is optional does not mean that the second unit is mounted on the cone, it could mean that the coil is mounted using some other method. So, the examiner is maintaining the claim objection to claim 1. Regarding the applicant's arguments asserting that the prior art fails to disclose for claim 1 " a position on said cone radially offset from said axis" and for claims 2 and 7, " said first unit comprises a core (or coil) structure and wherein said second unit comprises a coil (core) structure, the examiner disagrees. The examiner asserts that the the portion of the specification cited from Prior art Pulfrey reads on this claim language. Regarding claim 2, the applicant asserts that the examiner failed to cite a specific structure. The examiner asserts that the examiner directed the applicant to see Pulfrey and Saik as applied to claim 1. Claim 1, particularly limitation (a) clearly reads on the claim language of claim 2. The examiner cited where this was disclosed in prior art Pulfrey. The examiner is maintaining the rejections set forth in the previous office action. Regarding claim 4, the examiner stands by the rejection of claim 4. The wedge was not disclosed in the cited prior art. The examiner cited official notice that using a wedge is well known in the art. The examiner can provide a reference for the official notice statement. Regarding claim 3, the applicant asserts that the examiner failed to cite where " said second unit is mounted at a substantially stationaly node on said cone". The examiner disagrees. The examiner directed the applicant to Pulfrey and Saik as applied to claim 1. Claim 1 , particularly limitaiton (a) reads on the noted limitation of claim 3. The examiner provided citation in claim 1. The examiner is maintaining the rejection.